



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Taos Field Office
226 Cruz Alta Road
Taos, New Mexico 87571-5983
www.blm.gov/nm



In Reply Refer To:

2800(NMF020)
NM090125

CERTIFIED RETURN RECEIPT REQUESTED
7014 0150 0000 6360 2629

June 22, 2015

Decision

Santa Fe County	:	Right-of-Way Amendment
P.O. Box 276	:	Serial No. NM 090125
Santa Fe, NM 87504	:	

Dear Santa Fe County:

On April 28, 1994, the Bureau of Land Management Taos Field Office issued a Right-of-Way (ROW) grant, NM 90125 to Santa Fe County to allow the use of public land for a county road (Caja del Rio Road).

The Right-of-Way (ROW) was amended on May 17, 1994 to include lot 2, section 35, T. 17 N., R.8E.. This included the northern and southern connection road ways across public land.

The ROW was amended in June 7, 2011 to include the alignment of the southern connection roadway, modify the turn in the roadway at the Southwest corner of Section 35 and include two 20' wide utility easements within the grant boundaries.

The County of Santa Fe applied for a Third amendment to the existing ROW NM090125 that is within R&PP 109924. The application requests a 20' right-of-way by approximately 841' for a 12' waterline. The water line is within New Mexico Prime Meridian, New Mexico T.17N., R8E., Sec. 35, lot 23. The area described contains approximately 0.40 acres.

The Bureau of Land Management Taos Field Office has reviewed and approved the proposed amendment. It is subject to the terms and conditions of the original grant and the additional stipulations attached.

You must pay a fee to BLM for the costs we will incur in monitoring the construction and operation of your authorized use. These fees are categorized according to the number of work hours necessary to monitor your grant, and are not refundable. We anticipate your use will require a Monitoring Category 2, which involves a fee of \$424.00. This fee must be paid prior to the issuance of the grant.

Rent for use of public lands must be paid in advance of such use and prior to issuance of the ROW grant. Rent for a linear right-of-way is based on a schedule that is adjusted annually based on the Implicit Price Deflator (IPD), an inflation index. You may obtain a copy of the rent schedule from this office or by accessing

<http://www.blm.gov/wo/st/en/prog/more/lands.html>.

[You have the option of paying the rent in 10-year periods or for the entire term of your ROW grant. Provided you remit payment by (July/ 2015), your rent is estimated to be:

**\$ 65.00 for the first 10-year period from (July/2015) to (December/2025) or
\$ 203.00 for the entire term from (July/2015) to (December/2045).**

**Total Due(10 years): \$424.00(monitors fee) + \$65.00(rental for 10 years) =
\$489.00 or**

**Total Due(30 years): \$424.00(monitors fee) + \$203.00(rental for entire term) =
\$627.00**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

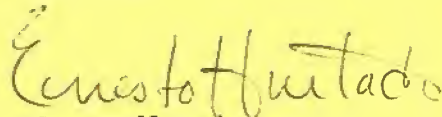
Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

If you have any questions, please contact Michael Rodriguez, at (575) 751-4708.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ernesto Hurtado". The signature is written in a cursive style with a large, stylized "E" and "H".

Ernesto Hurtado
Acting Field Manager

Enclosures:

Monitoring Determination worksheet, 1842-1

Attachment

Stipulations
Santa Fe County's Utility Easements
Right-of-way NM 090125

1. The holder shall submit utility easement plan(s) that describe in detail the construction, operation, maintenance, and termination of the utilities to be installed within the right-of-way and its associated improvements and/or facilities. The plan shall include drawings in sufficient detail to ensure compliance with the requirements of the grant and to ensure visual compatibility with the site. These drawings shall be the construction documents and must show dimensions, materials, finishes, etc. to demonstrate compliance with all requirements. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved utility easement plan shall be made a part of the right-of-way grant.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. Construction activity and surface disturbance will be prohibited during the period from April 1, 2010 to October 1, 2010 for the protection of the Western burrowing Owl (*Athene cunicularia hypugae*). If active burrows used by the owl are found, no construction shall occur until the owls have permanently left these borrows. All burrows within and adjacent to the right-of-way boundaries shall be investigated using a telescoping device and confirmed that they are not occupied by the Western burrowing owl. The results of the scoping efforts shall be reported to the BLM Taos Field Office wildlife biologist. The Authorized Officer, with confirmation from the BLM Taos Field Office wildlife biologist, shall make the final determination that the investigated burrows are not occupied by owls before construction activities can commence. The authorized officer shall issue a notice to proceed upon this determination. Construction activity must be completed within 24 hours of the telescoping investigation process for owls, to prevent subsequent habitation by the species prior to excavation. Attempts shall be made to avoid the destruction and/or modification of any burrows located within ROW.
4. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods.

5. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 5 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
7. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
8. The holder shall not leave trenches open overnight, if possible. Where trenches cannot be backfilled immediately, escape ramps shall be constructed in the trenches. The escape ramps shall be short lateral trenches sloping to the surface or wooden planks extending to the surface with slopes of less than 45 degrees. Trenches that have been left open overnight shall be inspected and animals removed prior to such use.
9. Construction-related traffic shall be restricted to route approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer.
10. The holder shall recontour disturbed areas, or designated sections of the right-of-way, by grading to restore the site to approximately the original contour of the ground as determined by the authorized officer.
11. The holder shall uniformly spread topsoil over all unoccupied disturbed areas. Spreading shall not be done when the ground or topsoil is frozen or wet.
12. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
13. Ninety (90) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surfacing material, recontouring, top soiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination actions.

2806-2885 - RIGHTS-OF-WAY MANAGEMENT
Determining CY 2014/ Rent Under the Linear Rental Schedule
All Linear Right-of-Way Facilities

USE FOR CALENDAR
YEAR 2014 ONLY

Serial No. NM 9025
Date of Determination: JUNE 22, 2015
Employee MIKE R.

Determine the CY 2014 (12 months) rent for the ROW by multiplying the number of acres (round up to next tenth of an acre at county level) in each appropriate zone by the rental rate for that zone. All rental calculations are rounded to the nearest cent as follows: \$97.164 is equal to \$97.16; \$97.165 is equal to \$97.17.

Zone 1	_____	acres X \$	8.46 = \$	_____
Zone 2	<u>.4</u>	acres X \$	<u>17.24</u> 16.92	= \$ <u>6.90 year</u>
Zone 3	_____	acres X \$	33.84 = \$	_____
Zone 4	_____	acres X \$	50.76 = \$	_____
Zone 5	_____	acres X \$	67.69 = \$	_____
Zone 6	_____	acres X \$	101.53 = \$	_____
Zone 7	_____	acres X \$	169.22 = \$	_____
Zone 8	_____	acres X \$	338.43 = \$	_____
Zone 9	_____	acres X \$	676.86 = \$	_____
Zone 10	_____	acres X \$	1,015.29 = \$	_____
Zone 11	_____	acres X \$	1,692.15 = \$	_____
Zone 12	_____	acres X \$	3,384.30 = \$	_____

62 10

12 month total

\$ 6.90

Times part year factor 3/

0.4167

Total for part year

\$ 2.90

1/ Refer to 43 CFR 2806.24 for required rental payment periods.

2/ See attached rent billing business rules.

3/ Part year factors are:

12 months 1.0000	9 months 0.7500	6 months 0.5000	3 months 0.2500
11 months 0.9167	8 months 0.6667	<u>5 months 0.4167</u>	2 months 0.1667
10 months 0.8333	7 months 0.5833	4 months 0.3333	1 month 0.0833

10 years = 65⁰⁰
30 years = 1,203⁰⁰

**ROW Monitoring Fee Category Determination Form
for FLPMA and MLA Rights-of-Way**

Application Serial No: NM090125

Applicant: Santa Fe County

Address P.O. Box 276 Santa Fe, NM 87504

Agent:

Address:

Location: New Mexico Prime Meridian, New Mexico

T.17N., R8E.,

Sec. 35, lot 23.

The area described contains approximately 0.4 acres.

Personnel Needed for Monitoring

Estimated Monitoring Hours

Realty Specialist/Land Law Examiner	8
Cultural/Paleontological Resources	
T&E Species	
Wildlife/Fisheries	
Air/Water/Soils	
Recreation/Visual	
Range	
Fluids/Minerals	
Manager	1
Other	
Other	

TOTAL HOURS 9

The appropriate Monitoring Category for this action is Category 2. The Monitoring fee for this Category is \$424.00. Monitoring fees for Categories 1-4 are non-refundable. See enclosed table for Category definitions and fee schedule.

Prepared By: [Signature]
Realty Specialist

Approved By: [Signature]
Authorized Officer

June 22, 2015
Date
6/22/15
Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

Taos Field Office
226 Cruz Alta Road
Taos, NM 87571

WITH COPY TO
SOLICITOR...

Office of the Solicitor
New Mexico State Office
301 Dinosaur Trail
Santa Fe, NM 87508

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

Office of the Solicitor
New Mexico State Office
301 Dinosaur Trail
Santa Fe, NM 87508

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.